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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: BEXTRA AND CELEBREX  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

MDL No.: 1699

This document relates to:

Civil Action No. 3:06-CV-5704

JACK RICE,

Plaintiff,

vs.

STIPULATION FOR DISMISSAL

MERCK & CO., INC., PFIZER, INC.,  
PHARMACIA CORPORATION, G.D.  
SEARLE LLC (f/k/a G.D. SEARLE & CO.),  
and MONSANTO COMPANY,

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**MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
of DEFENDANTS PFIZER, INC., PHARMACIA CORPORATION,  
G.D. SEARLE LLC (f/k/a G.D. SEARLE & CO.), and MONSANTO COMPANY, only**

Plaintiff, JACK RICE, by and through his undersigned counsel, hereby requests that this Court, pursuant to Rule 41, Federal Rules of Civil Procedure, enter an Order voluntarily dismissing Defendants Pfizer, Inc., Pharmacia Corporation, G.D. Searle LLC, (f/k/a G.D. Searle & Co.), and Monsanto Company, without prejudice with each party bearing its own costs and

attorneys' fees. Plaintiff has consulted with counsel for Defendants herein and unfortunately was unable to obtain Defendants consent to this motion. While Defendants did not object to entry of the dismissal, Defendants requested additional provisions that were objectionable to Plaintiff. There are no counterclaims or third-party claims against Defendants Pfizer, Inc., Pharmacia Corporation, G.D. Searle LLC, (f/k/a G.D. Searle & Co.), and Monsanto Company.

WHEREFORE, Plaintiff requests that this Court enter an Order dismissing his claims without prejudice against Defendants, PFIZER, INC., PHARMACIA CORPORATION, G.D. SEARLE LLC, (f/k/a G.D. Searle & Co.), and MONSANTO COMPANY, only with each party bearing its own costs and attorneys' fees.

Dated this 10<sup>th</sup> day of April, 2007.

By: 

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_ day of April, 2007, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following counsel of record: Barbara Bolton Litten, Esquire, Patricia E. Lowry, Esquire, John B.T. Murray, Jr., Esquire, Dori K. Stibolt, Esquire, Squire, Sanders & Dempsey, 1900 Phillips Point West, 777 S. Flagler Drive, West Palm Beach, FL 33401, Counsel for Merck, Edward W. Gerecke, Esquire, Carlton, Fields, et al., Post Office Box 3239, Tampa, FL 33601-3239, Attorneys for Defendants Pfizer, Inc., Pharmacia Corporation, G.D. Searle LLC, (f/k/a G.D. Searle & Co.), and Monsanto Company.

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Attorneys for Plaintiff

IT IS HEREBY ORDERED, pursuant to the above Motion, that the claims of Plaintiff Jack Rice only are dismissed without prejudice. on the condition that if plaintiff refiles his claims, he must file in federal court only. CRB

Dated           aPRIL27          , 2007.

HON. CHARLES R. BREYER

Judge, United States District Court for the  
Northern District of California

